

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Emanuel Aurmond Bedford,

C.A. No. 5:24-1680-HMH

vs.

OPINION & ORDER

State of South Carolina,

Movant.

This matter is before the court on Emanuel Aurmond Bedford’s pro se motion to reconsider pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On September 19, 2024, the magistrate judge issued a report and recommendation to dismiss the petition without prejudice. (R&R, generally, ECF No. 35.) Petitioner filed no objections to the report and recommendation. On October 15, 2024, the court adopted the Report and Recommendation and dismissed Petitioner’s petition without prejudice. (Order, ECF No. 40.) Subsequently, on January 6, 2025,¹ Petitioner filed the instant motion for reconsideration. (Mot. Reconsid., ECF No 45.)

Rule 60(b) “invest[s] federal courts with the power in certain restricted circumstances to vacate judgments whenever such action is appropriate to accomplish justice.” Compton v. Alton S.S. Co., 608 F.2d 96, 101-02 (4th Cir. 1979) (internal quotation marks omitted). “The remedy provided by the Rule, however, is extraordinary and is only to be invoked upon a

¹ See Houston v. Lack, 487 U.S. 266 (1988).

showing of exceptional circumstances.” Id. at 102. Rule 60(b) “does not authorize a motion merely for reconsideration of a legal issue.” United States v. Williams, 674 F.2d 310, 312 (4th Cir. 1982). “Where the motion is nothing more than a request that the district court change its mind . . . it is not authorized by Rule 60(b).” Id. at 313.

Upon review, Petitioner’s motion fails to identify any intervening change in controlling law, new evidence, or clear error of law. Further, Petitioner has failed to show any exceptional circumstances. Based on the foregoing, Petitioner’s motion is denied.

ORDERED that Petitioner’s motion for reconsideration pursuant to Rule 60(b), docket number 45, is denied. It is further

ORDERED that a certificate of appealability is denied because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
January 22, 2025

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.